

## REMARKS

Claims 19-23 and 28-38 are pending in the application.

Claims 19 and 28 have been amended.

Reconsideration of the rejections and objections set forth in the Final Office Action dated February 21, 2007 is respectfully requested.

### *Claim rejections under 35 U.S.C. § 112*

The examiner has rejected claims 19-23 and 26-38 as containing subject matter that was not described in the specification. Applicants have removed the limitation “the wait time of the second queue is less than the wait time of the first queue.” Therefore, the rejections as to claims 19-23 and 26 as containing new matter is now moot.

### *Priority*

The examiner has states that the priority of claims 19 and 28 is 12/8/2006, arguing that the limitation “the wait time of the second queue is less than the wait time of the first queue” was not presented until such date. Applicants have removed such limitation, and therefore the priority assessment of the examiner is now moot. Furthermore, applications submit that the date of claims 8/10/1999, the priority date of parent application filed on that date. In particular, as amended, Claims 19 now includes the limitation “other patrons may also be provided with the return time to the second queue.” Moreover, Claim 28 now includes the limitation “distributing another media to another customer, said another media having the assigned time in the future associated therewith at which time said another customer may access the at least one second queue.” These limitations are well supported in the specification of the parent application which states that “[t]he algorithm processor 50 may be arranged to provide for multiples of the same access time. For example, if the capacity of the attraction 22 permits, two or more passes may be issued with the same access time. On the other hand, if the capacity of the attraction 22 is limited, the access times may be spaced apart in time.” See Parent Application, (now US Patent

6173209), Column 13, Lines 38-43. As such, applicants submit that Claims 19 and 28 have a priority date of 8/10/1999, the filing date of the parent application.

***Claim Rejection - 35 U.S.C. § 102 and § 103***

Claims 19-20, 22, 28-30 and 38 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Waytena et al. (U.S. Patent No. 5,978,770), or in the alternative as being obvious over Waytena. In addition, Claims 21, 23, 33, 34 and 37 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Waytena in view of Croughwell et al. (U.S. Patent No. 5,966,654). Claims 31 and 32 have been rejected as being unpatentable over Waytena in view of DeLorme et al. (U.S. Patent No. 5,948,040). Finally, Claims 35 and 36 have been rejected under 103(a) as being unpatentable over Waytena in view of Croughwell in view of DeLorme et al. For at least the following reasons, the examiner's rejections are traversed.

Claims 19 and 28 have been amended to clarify that the same return time can be assigned to two patrons or more. Unlike Waytena, the present application is not directed to a reservation system in which a time is allotted for each customer. Instead, return times are provided to more than one customer for the same time. Thus, multiple customers can return to the attraction at a scheduled time.

Waytena's reservation system, on the other hand, is a system in which a time slot is allocated to a patron so that the patron can access an attraction as soon as the reservation time elapses. This is evident by Waytena's teachings on how to provisionally reserve a slot for a patron. Waytena does not schedule the same times for multiple patrons. In actuality, Waytena teaches away from this approach because Waytena is directed to a pure allocated queue, wherein no patron return time conflicts with another patron's return time. "While the patron is deciding whether to confirm or reject the proposed reservation, attraction computer 101 in one embodiment holds the proposed reservation time in the virtual queue 210, so that if other patrons request reservations at the same attraction, they will be not be given proposed reservation times that conflict with the first patron's proposed reservation time. *See* Waytena, Column 20, Lines 41-49.

As such, Waytena allocates a reservation time for a specific slot at which time a patron can access the attraction. This reservation of time slots is what Waytena refers to as “a virtual queue.” The virtual queue is allocated such that a patron fills each slot. “If the patron rejects the reservation or does not confirm it within a predetermined time period, the reservation is removed from the virtual queue and the proposed reservation time is released so that it may be made available to other patrons.” See Waytena Column 3, Lines 25-27. The reservation times as taught by Waytena are therefore for one return time being allocated to a patron, not multiple patrons.

Accordingly, Waytena does not teach providing a return time to a patron such that other patrons may also be provided with the return time to the second queue. Likewise, Waytena does not teach a system wherein two customers can access the second queue at the same assigned time.

Accordingly, Claims 19 and 28 are not anticipated by Waytena. Claims 20, 21, 22, 23, 37 and 38 all depend from Claim 19. Because Claim 19 is not anticipated by Waytena, dependent claims 20-23, 37 and 38 are not anticipated by Waytena either. Dependent Claims 29-36 ultimately depend from Claim 28 and therefore because Claim 28 is not anticipated by Waytena, Claims 29-36 are not anticipated by Waytena either. It is respectfully requested that the rejections to Claims 19-23 and 28-38 be withdrawn.

### ***Conclusion***

Applicants have complied with all requirements made in the above referenced communication and submit that the claims are in condition for allowance. Accordingly, applicants respectfully request that a timely Notice of Allowance be issued in this case. Should matters remain, which the Examiner believes could be resolved in a telephone interview, the Examiner is requested to telephone the Applicants' undersigned agent.

The Director is authorized to charge any additional fee(s) or any underpayment of fee(s), or to credit any overpayments to Deposit Account Number **50-2638**. Please ensure that Attorney

Docket Number 58085-010201 is referred to when charging any payments or credits for this case.

Respectfully submitted,



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